Procedure on failure to appoint jury or omission to return verdict.

141. If the applicant, by neglect or otherwise, prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

Injunction pending inquiry.

142. (*1*) If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter.

(*2*) In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

(*3*) No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisance.

143. A District Magistrate or Sub-Divisional Magistrate or any other Magistrate empowered by the State Government or the District Magistrate in this behalf may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

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Magistrate may prohibit repetition or continuance of public nuisance.

143. [1][*A Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or a Sub-Divisional Magistrate or any Executive Magistrate empowered either by the State Government or the District Magistrate in this behalf*] may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

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CHAPTER XI.

TEMPORARY ORDERS IN URGENT CASES OF NUISANCE OR APPREHENDED DANGER.

Power to issue order absolute at once in urgent cases of nuisance or apprehended danger.

144. (*1*) In cases where, in the opinion of a District Magistrate, a Chief Presidency Magistrate, Sub-Divisional Magistrate or of any other Magistrate, (not being a Magistrate of the third class) specially empowered by the State Government or the Chief Presidency Magistrate or the District Magistrate to act

Power to issue order absolute at once in urgent cases of nuisance or apprehended danger.

144. (*1*) In cases where, in the opinion of a District Magistrate, a Chief Presidency Magistrate, [2][*the Commissioner of Police*] Sub-Divisional Magistrate, [3][*or of any other Executive Magistrate*] specially empowered by the [4][5][State] Government] or the Chief Presidency Magistrate or the District Magistrate

[1] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "A District Magistrate or Sub-Divisional Magistrate, or any other Magistrate empowered by the State Government or the District Magistrate in this behalf".

[2] Inserted by Bom. 34 of 1953, s. 5.

[3] Substituted by Bom. 23 of 1951, s. 2 and Sch. Pt. I, for "or of any other Magistrate (not being a Magistrate of the third class)".

[4] Substituted by the A. O. 1937 for "L. G.".

[5] Substituted by the A. O. 1950 for "Provincial".

under this section, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.

to act under this section, [1][there is sufficient ground for proceeding under this section and] immediate prevention or speedy remedy is desirable,

such Magistrate [2][*or the Commissioner of Police*] may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate [2][*or the Commissioner of Police*] considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any person lawfully employed or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.

(*2*) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed, *ex parte*.

(*3*) An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

(*4*) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section by himself or any Magistrate subordinate to him, or by his predecessor in office.

(*4*) Any Magistrate may, [1][either on his own motion or on the application of any person aggrieved], rescind or alter any order made under this section by himself or any Magistrate subordinate to him, or by his predecessor in office. [2][*If the order under this section is made by the Commissioner of Police, the Commissioner of Police may either of his own motion, or on the application of any person aggrieved, rescind or alter such order.*]

(*5*) Where such an application is received, the Magistrate shall afford to the applicant an early opportunity of appearing before

[3][(*5*) Where such an application is received, the Magistrate [2][*or the Commissioner of Police*] shall afford to the applicant an

[1] Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 27.
[2] Inserted by Bom. 34 of 1953, s. 5.
[3] Inserted by Act 18 of 1923, s. 27.

him either in person or by pleader and showing cause against the order ; and, if the Magistrate rejects the application wholly or in part, he shall record in writing his reasons for so doing.

early opportunity of appearing before him either in person or by pleader and showing cause against the order ; and if the Magistrate [4][*or the Commissioner of Police*] rejects the application wholly or in part, he shall record in writing his reasons for so doing.

[3]* * * * * * * *

[3][(*6*)] No order under this section shall remain in force for more than two months from the making thereof ; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the [4][5][State] Government], by notification in the Official Gazette, otherwise directs.

CHAPTER XII.

DISPUTES AS TO IMMOVEABLE PROPERTY.

Procedure where dispute concerning land, etc., is likely to cause breach of peace.

145. (*1*) Whenever a District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class is satisfied from a police-report or other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute and further requiring them to put in such documents, or to adduce, by putting in affidavits, the evidence of such persons, as they rely upon in support of such claims.

Procedure where dispute concerning land, etc., is likely to cause breach of peace.

145. (*1*) Whenever a [6][*Chief Presidency Magistrate*], District Magistrate, Sub-Divisional Magistrate [7][*or any other Executive Magistrate specially empowered by the State Government in this behalf*] is satisfied from a police-report or other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute [8][and further requiring them to put in such documents, or to adduce, by putting in affidavits, the evidence of such persons, as they rely upon in support of such claims].

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[1] Inserted by Bom. 34 of 1953, s. 5.
[2] Sub-section (*5A*) was deleted by Bom. 71 of 1954, s. 4.
[3] The original sub-section (*5*) was renumbered (*6*) by Act 18 of 1923, s. 27.
[4] Substituted by the A. O. 1937 for "L. G.".
[5] Substituted by the A. O. 1950 for "Provincial".
[6] Inserted by Bom. 34 of 1953, s. 6.
[7] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "or Magistrate of the first class".
[8] Added by Act 26 of 1955, s. 18(*a*).